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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

June 28, 2016

PWS No. 3100034

Certified Mail Return/Receipt
No. 7009 2250 0004 3622 0307

Tom Skjelstad
General Manager
Donner Summit Public Utility District – Big Bend
53823 Sheritt Lane
Soda Springs, CA 95728

**DONNER SUMMIT PUBLIC UTILITY DISTRICT – BIG BEND PUBLIC WATER SYSTEM (PWS
No. 3100034)**

CITATION No. 01_09_16C_002

Enclosed is the Division of Drinking Water Citation No. 01_09_16C_002 issued to the Donner Summit Public Utility District – Big Bend public water system (PWS# 3100034). Please note there are certain deadlines associated with this Citation.

If you have any questions, please feel free to contact Salvador Turrubiarres at (916) 552-9998 or via email at Salvador.turrubiarres@Waterboards.ca.gov.

Sincerely,

Ali R. Rezvani, P.E.,
Sacramento District Engineer
Field Operations Branch
Division of Drinking Water
State Water Resources Control Board

Enclosures

cc: Salvador Turrubiarres P.E. – Associate Sanitary Engineer

Catie Levenson, REHS, PHM
Environmental Health Specialist
County of Nevada Environmental Health Division
950 Maidu Avenue
Nevada City, CA 95959-8617

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

1 **STATE OF CALIFORNIA**
2 **WATER RESOURCES CONTROL BOARD**
3 **DIVISION OF DRINKING WATER**
4

5 **TO:** Donner Summit Public Utility District – Big Bend
6 53823 Sherrit Lane
7 Soda Springs, CA 95728
8

9 **Attn:** Tom Skjelstad, General Manager
10 Donner Summit Public Utilities District – Big Bend
11

12 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
13 **TITLE 22, DIVISION 4, CHAPTER 15, ARTICLE 3, SECTION 64426.1**
14 **WATER SYSTEM NO. 3100034**
15 **CITATION NO. 01-09-16C-002**
16 **Issued on June 28, 2016**
17

18 Section 116650 of the California Health and Safety Code (CH&SC authorizes the
19 issuance of a citation to a public water system for violation of the California Safe
20 Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4,
21 commencing with Section 116270) (hereinafter "California SDWA"), or any regulation,
22 standard, permit or order issued or adopted thereunder.
23

24 In accordance with CH&SC, Division 104, Part 12, Chapter 4, Article 1, Section
25 116271, the State Water Resources Control Board, acting by and through its Division
26 of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
27 (hereinafter "Deputy Director"), hereby issues a citation to the Donner Summit Public



1 Utilities District – Big Bend public water system (PWS# 3100034) (hereinafter, Water
2 System) (53823 Sherrit Lane, Soda Springs, CA 95728) for violation of California
3 Code of Regulations (CCR), Title 22, Division 4, Article 3, Section 64426.1.

4
5 **APPLICABLE AUTHORITIES**

6 **CH&SC, Division 104, Part 12, Chapter 4, Article 1, Section 116275(b), provides:**

7 (b) "Department" means the state board.

8 **CH&SC, Division 104, Part 12, Chapter 4, Article 1, Section 116275(ac),**
9 **provides:**

10 (ac) "State board" means the State Water Resources Control Board.

11
12 **CH&SC, Division 104, Part 12, Chapter 4, Article 9, Section 116650 provides:**

13 (a) If the department determines that a public water system is in violation of this
14 chapter or any regulation, permit, standard, citation, or order issued or
15 adopted thereunder, the department may issue a citation to the public water
16 system. The citation shall be served upon the public water system personally
17 or by certified mail. Service shall be deemed effective as of the date of
18 personal service or the date of receipt of the certified mail. If a person to
19 whom a citation is directed refuses to accept delivery of the certified mail, the
20 date of service shall be deemed to be the date of mailing.

21 (b) Each citation shall be in writing and shall describe the nature of the violation
22 or violations, including a reference to the statutory provision, standard, order,
23 citation, permit, or regulation alleged to have been violated.

24 (c) A citation may specify a date for elimination or correction of the condition
25 constituting the violation.

26 (d) A citation may include the assessment of a penalty as specified in subdivision

27 (e).

1 (e) The department may assess a penalty in an amount not to exceed one
2 thousand dollars (\$1,000) per day for each day that a violation occurred, and
3 for each day that a violation continues to occur. A separate penalty may be
4 assessed for each violation.
5

6 **CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64426.1 in relevant part**
7 **provides:**

8 (a) Results of all samples collected in a calendar month pursuant to
9 Sections 64423, 64424, and 64425 that are not invalidated by the
10 State Board or the laboratory shall be included in determining
11 compliance with the total coliform MCL. Special purpose samples such
12 as those listed in §64421(b) and samples collected by the water
13 supplier during special investigations shall not be used to determine
14 compliance with the total coliform MCL.

15 (b) A public water system is in violation of the total coliform MCL when any
16 of the following occurs:

17 (1) For a public Water system which collects at least 40 samples per
18 month, more than 5.0 percent of the samples collected during any
19 month are total coliform-positive; or

20 (2) For a public water system which collects fewer than 40 samples per
21 month, more than one sample collected during any month are total
22 coliform-positive; or

23 (3) Any repeat sample is Fecal coliform Positive or E. coli-positive; or

24 (4) Any repeat sample following a fecal coliform-positive or E. coli-
25 positive routine sample is total coliform-positive.

26 (c) If a public water system is not in compliance with paragraphs (b) (1)
27 through (4), during any month in which it supplies water to the public,



1 the water supplier shall notify the State Board by the end of the
2 business day on which this is determined, unless the determination
3 occurs after the State Board office is closed, in which case the supplier
4 shall also notify the State Board within 24 hours of the determination.
5 The water supplier shall also notify the consumers served by the water
6 system. A Tier 2 Public Notice shall be given for violations of
7 paragraphs (b) (1) or (2), pursuant to section 64463.4. A Tier 1 Public
8 Notice shall be given for violations of paragraphs (b) (3) or (4),
9 pursuant to section 64463.1.
10

11 **STATEMENT OF FACTS**

12 The Water System is classified as a Transient Non-Community Water System. The
13 Water System serves a campground in the unincorporated area of Placer County.
14 Donner Summit Public Utilities District (PUD) annexed the Water System in June of
15 2013, under Resolution No. 2013-03. The Water System serves approximately 32
16 privately owned vacation cabins and the only source of water supply is Horizontal
17 Well 1996 (Source No. 3100034-002). According to the 2014 Annual Report, the
18 water system serves approximately 56 people through 20 active service connections.
19 The Water System, according to Section 64423 of Title 22, is required to collect one
20 sample per calendar quarter for analysis of coliform bacteria content to determine
21 compliance with the MCL for total and fecal coliform bacteria. According to the Water
22 System records one sample is collected quarterly for bacteriological analysis.
23

24 In November of 2015, the Water System collected a routine bacteriological monitoring
25 sample. According to the laboratory's analytical report submitted to the Division, the
26 sample collected on November 25, 2015, was total-coliform positive at 23
27 MPN/100mL and fecal E- coli positive at 2 MPN/100mL.

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On December 23, 2015, The Division contacted the Water System. According to the Water System, and in 2013, the Division had accepted quarterly Boil Water Notice posting for as long as the water system was proceeding forward with a State Funding Project to resolve the problem. The Water System did not collect a water sample for bacteriological water quality analysis in December 2015, but collected one sample during January 2016 and one sample during February 2016, which were total-coliform negative.

On March 30, 2016, the Water System reported the results of five routine samples collected for the month of March 2016. Four of the five routine samples were total-coliform positive. The analytical results were reported at or above the method detection limit (MDL) with results ranging from 2 MPN/100mL to 300 MPN/100mL.

On March 30, 2016, the Water System notified the Division of the of the Maximum Contaminant Level (MCL) non-compliance regarding bacteriological samples collected from the distribution system as required in the Total Coliform Rule (TCR). The Water System continued to issue Boil Water Notice to its customers quarterly.

The Water System had a total of seven results for the first quarter of 2016, which resulted in non-compliance of the Total Coliform Rule (TCR) MCL.

During April 2016, the Water System collected three routine bacteriological monitoring samples. One sample collected on April 25, 2016, reported a concentration of total coliform bacteria of 33 MPN/100mL and E. coli negative. The other sample that was collected on April 29, 2016, reported a concentration of total coliform bacteria of 13 MPN/100mL and E. coli negative. Water System does not chlorinate.

1 On May 6, 2016, the Water System notified the Division of the analyses results. The
2 Water System continues to issue Boil Water Notice to its customers quarterly.

3
4 On May 9, 2015, the Division contacted the Water and directed the Water System to
5 collect five routine samples for the month of May 2016. Two water samples collected
6 in May 2016 were total-coliform positive, and E. coli negative

7
8 The Water System was non-compliant with the total coliform MCL during the first
9 quarter of 2016, and April 2016, and May 2016.

10
11 **DETERMINATION**
12

13 The Water System has failed to comply with MCL of the TCR regulations for the
14 Donner Summit Public Utilities District – Big Bend public water system distribution
15 samples during first calendar quarter of 2016 and in the months of April 2016 and May
16 2016. Consequently, the Division has determined that the Water System violated
17 Section 64426.1, Article 3, Chapter 15, Division 4, Title 22 of the CCR during first
18 calendar quarter of 2016 and in the months of April 2016 and May 2016.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Comply with Section 64426.1, Article 3, Chapter 15, Division 4, Title 22 of the CCR in future monitoring periods.
2. The Water System must collect five (5) routine samples during the month of June 2016 and submit the results to the Division by July 10, 2016.
3. Within 30 days of the issuance of this Citation, notify all persons served by the Donner Summit Public Utilities District – Big Bend public water system of the MCL violation as required by Section 64426.1(c), Article 3, Chapter 15, Division 4, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:
 - a. Mail or direct delivery of the notice contained in Attachment 'A' to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the Water System.
 - b. Provide the notice contained in Attachment 'A' to customers using one or more of the following methods to reach persons not likely to be reached by a public posting:
 - i. Publication in a local newspaper,
 - ii. Posting in conspicuous public places within the service area,
 - iii. Posting on the Internet, or



- 1 iv. Delivery to community organizations.
- 2 Changes and/or modifications to Attachment 'A' shall not be made unless
- 3 approved by the Division.
- 4
- 5 4. Complete and return Attachment 'B' "Certification of Completion of Public
- 6 Notification" form within 10 days of receipt of giving public notice. A copy of the
- 7 notice used to provide public notification shall be attached to the form.
- 8
- 9 5. Within 30 days of receipt of this Citation, the Water System shall submit a
- 10 written response to the Division indicating its willingness to comply with
- 11 directives of this Citation.
- 12
- 13 6. The Water System shall review, amend as needed, and submit a revised
- 14 Bacteriological Sample Siting Plan to the Division for review.
- 15
- 16 7. Within 30 days of receipt of this Citation, the Water System shall conduct and
- 17 submit Level 1 assessment in accordance to the Federal revised Total Coliform
- 18 Rule.
- 19

20 The Division reserves the right to make such modifications to this Citation as it may

21 deem necessary to protect public health and safety. Such modifications may be

22 issued as amendments to this Citation, and shall be deemed effective upon issuance.

23

24 Nothing in this Citation relieves Donner Summit Public Utilities District – Big Bend of

25 its obligation to meet the requirements of the California Safe Drinking Water Act

26 (SDWA), or of any regulation, permit, standard, or order issued or adopted

27 thereunder.

28

1 All submittals required by this Citation shall be submitted to the Division at the
2 following address:

3
4 Ali R. Rezvani, P.E.
5 Sacramento District Engineer
6 Field Operations Branch
7 Division of Drinking Water
8 State Water Resources Control Board
9 1001 I Street 13th Floor
10 Sacramento, CA 95814
11 (916) 449-5600
12

13 **PARTIES BOUND**
14

15 This Citation shall apply to and be binding upon the Donner Summit Public Utilities
16 District, its officers, directors, shareholders, agents, employees, contractors,
17 successors, and assignees.
18

19 **SEVERABILITY**
20

21 The Directives of this Citation are severable, and the Donner Summit Public Utilities
22 District – Big Bend shall comply with each and every provision thereof,
23 notwithstanding the effectiveness of any other provision.
24

25 **FURTHER ENFORCEMENT ACTION**
26

27 The California SDWA authorizes the Division to: issue citation with assessment of
28 administrative penalties to a public water system for violation or continued violation of
29 the requirements of the California SDWA or any permit, regulation, permit or order
30 issued or adopted thereunder including, but not limited to, failure to correct a violation



1 identified in a citation or compliance order. The California SDWA also authorizes the
2 Division to take action to suspend or revoke a permit that has been issued to a public
3 water system if the system has violated applicable law or regulations or has failed to
4 comply with an order of the Division; and to petition the superior court to take various
5 enforcement measures against a public water system that has failed to comply with
6 violates an order of the Division. The Division does not waive any further enforcement
7 action by issuance of this citation.

8
9
10 June 28, 2016

11 Date

12 Ali R. Rezvani

13 Ali R. Rezvani, P.E.
14 Sacramento District Engineer
15 Field Operations Branch
16 Division of Drinking Water
State Water Resources Control Board

17 **Attachments:**

- 18
19 1. Public Notification Template
20 2. Proof of Notification Form

21
22 Certified Mail No. 7009 2250 0004 3622 0307

23
24 cc: County of Nevada, Department of Environmental Health



ATTACHMENT 1:

PUBLIC NOTIFICATION TEMPLATE

Instructions for Tier 2 Resolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Fewer Than 40 Samples a Month</u>	<u>If You Take 40 or More Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Donner Summit Public Utility District – Big Bend Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took **several** water samples to test for the presence of coliform bacteria and *E. coli* bacteria during **first calendar quarter of 2016, April 2016, May 2016**. **Several** of those samples showed the presence of total coliform bacteria and *E. coli* bacteria. The standard is that no more than **one (1)** sample per month may be total-coliform positive, and no samples should be *E. coli* positive.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you

may wish to consult your doctor.

What happened? What was done?

[Describe corrective action].

For more information, please contact **[name of contact]** at **[phone number]** or **[mailing address]**.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Orange Vale Water Company.

State Water System ID#: 31000341. Date distributed: _____.

ATTACHMENT 2:

PROOF OF NOTIFICATION FORM

PROOF OF NOTIFICATION**Citation No. 01_09_16C_002****Name of Water System: Donner Summit Public Utility District – Big Bend****Public System Number: 3100034****Certification**

As required by Section 116450 of the California Health and Safety Code, we notified the users of the water supplied by the Donner Summit Public Utility District – Big Bend water system of the violation of the Total Coliform Maximum Contaminant Level (MCL) during the first calendar quarter of 2016, April 2016, and May 2016. We complied with Citation No. 01_09_16C_002 as indicated below:

Required Action	Date Completed
Public Notification – Daily Newspaper Notice	
Public Notification – Mail or Hand Delivery	

 Signature of Water System Representative

 Date

Please attach a copy of the notice as published in the daily newspaper within the areas served by the system.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.